



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

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**OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES HUGHES NETWORK
SYSTEMS SUB, LLC APPLICATION FOR MODIFICATION OF LICENSE OF
STATION WD2XJU AND AERONAUTICAL RADIO, INC. APPLICATION FOR NEW
LICENSE, IN THE EXPERIMENTAL RADIO SERVICE, TO BE A "PERMIT-BUT-
DISCLOSE" PROCEEDING FOR *EX PARTE* PURPOSES**

On November 16, 2005, the Experimental Licensing Branch granted the application of Hughes Network Systems Sub, LLC ("HNS") (File No. 0137-EX-ML-2005) for modification of the Experimental Radio license for Station WD2XJU. Among other things, this action modified the station's frequency plan to enable its terminals to use frequencies in the 1626.5 to 1650.5 MHz band (L band) aboard Inmarsat 4 satellites. On November 28, 2005, Mobile Satellite Ventures Subsidiary LLC ("MSV") filed an informal request for reconsideration of the grant of this application. MSV alleges that the Inmarsat 4 satellites have not been coordinated among the North American L band operators and, therefore, the operations of WD2XJU as modified present a significant risk of harmful interference. MSV also alleges that Inmarsat continues to use frequencies on its current system that were coordinated for MSV's own use under a 1999 spectrum sharing arrangement, then loaned to Inmarsat on a temporary basis, and that Inmarsat now refuses to relinquish or to refrain from using on its Inmarsat 4 satellites. Therefore, MSV claims that the modified operations of WD2XJU could preclude MSV from testing its new hybrid satellite and terrestrial system.

In addition, on November 17, 2005, Aeronautical Radio Inc. ("ARINC") filed an application (File No. 0327-EX-PL-2005) for a new Experimental Radio Service license that would authorize it to use the 1626.5 to 1660.5 MHz L-band frequencies. ARINC explains that the authorization is needed for the validation of operations of the Thrane and Thrane Aero H satellite system for customers using ARINC's ACARS packet data, mobile packet data, Aero H+ voice and swift 64 services. ARINC states that this testing is part of its avionics qualification program phase 4, where equipment is tested on the live network prior to use by end customers. ARINC further states that messaging and voice communication testing will include aspects of end customers' use on their respective aircraft. On November 28, 2005, MSV filed an informal objection to grant of the ARINC application. MSV reiterates its concerns, summarized above in regard to the HNS application, with respect to experimental operations involving Inmarsat 4 satellites and the use of uncoordinated or loaned frequencies.

Finally, on November 28, 2005, MSV filed a motion to designate the HNS and ARINC proceedings as “permit-but-disclose” for *ex parte* communications purposes. MSV states that these applications raise policy issues concerning the management of L-band spectrum, including complex technical issues, which are intertwined with similar applications pending before the International Bureau to operate with Inmarsat 4 satellites. MSV further states that the latter applications have already been afforded permit-but-disclose *ex parte* status. MSV urges that a free exchange of views, particularly with Commission engineers, will be useful in creating a more complete record. We note that as of this date some of the more recently filed applications to communicate with the Inmarsat 4 satellite pending in the International Bureau have not been designated permit-but-disclose.

Upon review of the applications and the pleadings filed thus far, OET concludes that in order to permit a fuller exchange on the important issues raised by the applications, the public interest would be served by classifying the instant experimental radio licensing proceedings as "permit-but-disclose" proceedings for *ex parte* purposes in accordance with Section 1.1200(a) of the Commission's rules and subject to the requirements under Section 1.1206(b) of the rules.

In order to facilitate full, efficient, and timely consideration of the issues, OET encourages parties with common interests on the issues to work together and file joint submissions to the Commission whenever possible.

Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b)(2).

Parties are encouraged to make any *ex parte* contacts or submissions within 30 days of this notice, to ensure their timely consideration prior to any further actions on the subject applications.

For further information, contact Charles Iseman, Deputy Chief, Electromagnetic Compatibility Division, OET, at (202) 418-2444.

By the Chief, Office of Engineering and Technology